

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMAUL LEE BAKER,

Petitioner,

v.

SUPERIOR COURTS OF
CALIFORNIA, *et al.*

Respondents.

Case No. 2:24-cv-00476-JDP (HC)

ORDER

FINDING THAT THE PETITION DOES
NOT STATE A COGNIZABLE CLAIM,
GRANTING LEAVE TO AMEND, AND
GRANTING PETITIONER'S
APPLICATION TO PROCEED *IN FORMA
PAUPERIS*

ECF Nos. 1 & 12

Petitioner, a state prisoner, brings this action under section 2254. ECF No. 1. The petition is deficient because it appears to invoke only questions of state law. I will grant him leave to amend to explain why this action should proceed. I will also grant petitioner's application to proceed *in forma pauperis*. ECF No. 12.

The petition is before me for preliminary review under Rule 4 of the Rules Governing Section 2254 Cases. Under Rule 4, the judge assigned to the habeas proceeding must examine the habeas petition and order a response to the petition unless it "plainly appears" that the petitioner is not entitled to relief. *See Valdez v. Montgomery*, 918 F.3d 687, 693 (9th Cir. 2019); *Boyd v. Thompson*, 147 F.3d 1124, 1127 (9th Cir. 1998).

Petitioner argues that he is entitled to sentencing relief under California Senate Bill 620

1 and California Penal Code § 12022.53. ECF No. 1 at 1-2. Whether a prisoner is entitled to relief
2 under either is a question of state law that does not give rise to a cognizable federal habeas claim.
3 *See Estelle v. McGuire*, 502 U.S. 62, 67 (1991) (“We have stated many times that federal habeas
4 corpus relief does not lie for errors of state law.”) (internal quotation marks omitted). And
5 petitioner may not transform a state law claim into a federal one merely by asserting that the error
6 of state law is a violation of his federal due process rights. *See Langford v. Day*, 110 F.3d 1380,
7 1381 (9th Cir. 1996) (“Langford may not, however, transform a state-law issue into a federal one
8 merely by asserting a violation of due process.”). I will give petitioner leave to amend to explain
9 why this action should proceed despite this deficiency.

10 Accordingly, it is hereby ORDERED that:

11 1. The Clerk of Court shall send petitioner a habeas form.
12 2. Petitioner must file an amended petition within thirty days of this order’s entry. If he
13 fails to do so, I will recommend this action be dismissed.
14 3. Petitioner’s application to proceed *in forma pauperis*, ECF No. 12, is GRANTED.

15 IT IS SO ORDERED.

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17 Dated: October 2, 2024


18 JEREMY D. PETERSON
19 UNITED STATES MAGISTRATE JUDGE
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